



IN THE HIGH COURT OF KARNATAKA

AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

WRIT PETITION NO.3998 OF 2025 (GM-FC)

BETWEEN:

KAUSHIK ROY
S/O LATE KANAI LAL ROY,
AGED ABOUT 42 YEARS,
R/A FLAT NO.1002, C WING,
SHREE LAXMI RESIDENCY,
N. M. JOSHI MARG,
NEAR BYCULLA RAILWAY STATION (W)
BYCULLA WEST, MUMBAI-400027.

...PETITIONER

(BY SRI MANJUNATH S., ADVOCATE FOR
SRI ANANDA N., ADVOCATE)

AND:

1. ANINDITA ROY W/O KAUSHIK ROY,
D/O SRI. ARABINDA CHOWDHURY
AGED ABOUT 41 YEARS,
2. KUM. AARADHYA ROY
D/O KAUSHIK ROY,
AGED ABOUT 10 YEARS,
REP BY HER MOTHER RESPONDENT NO.1
BOTH ARE RESIDING AT NO.210,
2ND FLOOR, INDWIN ECSTASY APARTMENT
9TH MAIN ROAD, GARVEBHAVIPALYA HOGASANDRA,
OPP. OF ECI GLORIOUS CHURCH
BANGALORE-560068.

...RESPONDENTS

(BY SRI YADUNANDAN N., ADVOCATE FOR
SRI VINAYAKA S. PANDIT, ADVOCATE)





THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 09.10.2024 PASSED BY THE LEARNED V ADDITIONAL FAMILY JUDGE AT BANGALORE IN CRL.MISC.NO.562/2022 VIDE ANNEXURE-A INTERIM MAINTENANCE ORDER ETC.

THIS PETITION COMING ON FOR DICTATING ORDER, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL ORDER

Heard Sri Manjunath S. who represents Sri Ananda N., learned counsel for the petitioner as well as Sri Yadunandan N. who represents Sri Vinayaka S. Pandit, learned counsel on record for the respondent.

2. Seeking the Court to issue a writ of certiorari and to quash the order that is rendered by the Court of V Additional Principal Judge, Family Court, Bengaluru on I.A.No.2 in Crl.Misc.No.No.562/2022 dated 09.10.2024, husband of respondent No.1 and father of respondent No.2 filed this writ petition.



3. Material available on record discloses that I.A.No.2 was initially disposed of by the Family Court on 22.02.2024. Both parties filed separate writ petitions before this Court challenging the order passed. Those two writ petitions were disposed of through a common order, setting aside the order of the Family Court dated 22.02.2024 and directing the Family Court to decide the matter afresh. On that Family Court again dealt with the case and rendered the impugned order.

4. Relationship between the parties is not in dispute. Petitioner and respondent No.1 after their marriage led marital life for a considerable period and marital bliss resulted in birth of respondent No.2. Disputes arose between petitioner and respondent No.1 and hence respondent No.1 left the matrimonial home along with the child. I.A.No.2 came to be filed by respondents seeking interim maintenance of Rs.30,000/- per month. Family Court through the impugned order held that respondent No.1 is entitled to Rs.10,000/- per month



and respondent No.2 to Rs.15,000/- per month towards interim maintenance. The version of petitioner is that said sum is exorbitant and unjustifiable.

5. The submission that is made by the counsel for the petitioner is that due to the adamant attitude of respondent No.1 disputes arose between petitioner and respondent No.1. Petitioner and respondent No.1 fell in love and got married. However respondent No.1 failed to give due respect either to the petitioner or his family members. Respondent No.1 sought interim maintenance by suppressing her employment and her earnings. As per the version of respondent No.1, respondent No.2 is a special child and she requires medical attention. However respondent No.2 does not require any such extensive treatment as contended by respondent No.1. Petitioner was paying the school fee and was looking after all other requirements of the child till 2022. Petitioner receives around Rs.70,000/- per month only. Therefore the sum granted towards interim maintenance in favour of the



respondents is exorbitant and therefore the impugned order is liable to be set aside.

6. Contradicting the submission thus made by learned counsel for the petitioner, learned counsel for the respondents contends that respondent No.1 worked for some time. While she was allowed to work from home, she worked. However subsequently the employer of respondent No.1 insisted her to attend office. Respondent No.2 is a special child and she cannot speak properly. Therefore respondent No.1 could not leave the child alone and attend her work. Hence she resigned the job. Thus respondent No.1 has no source of earnings. On the other hand, petitioner earns around Rs.2,00,000/- per month. The contention of the petitioner is that he has to pay the monthly installments for the home loan obtained. Even on paying the said EMI, petitioner will be left with substantial amount which is sufficient to maintain himself and also the respondents who are his wife and children. Family Court therefore directed petitioner to pay the interim



maintenance and hence there are no grounds to interfere with the impugned order.

7. Family Court discussed at length with regard to the contentions raised by both parties. At paragraph Nos.15 of the impugned order there is a mention that respondents herein had filed a petition under Section 12 of the Protection of Women from Domestic Violence Act and obtained an ex-parte order of interim monthly maintenance of Rs.20,000/-. At paragraph No.16 of the impugned order there is a mention that petitioner herein produced his Form No.16 for the period from 01.04.2023 to 31.03.2024 and as per the said document, the annual gross salary was Rs.13,42,263/- and that he was getting house rent allowance of Rs.2,76,996/- per annum. There is also a clear mention that as per the affidavit of disclosure of assets and liabilities, the petitioner herein is paying EMI of Rs.20,814/- per month for the loan taken from HDFC for the flat purchased by him.



8. As per version of respondent No.1, she was forced to quit the job as her employer insisted to attend the office and as she could not attend the office in the light of responsibility to look after the child. Respondent No.1 produced sufficient proof that she resigned the job and her resignation was accepted. No material whatsoever is produced by petitioner herein to show that respondent No.1 has got her own source of earnings and she can maintain herself. That apart it is the responsibility of petitioner to maintain his child i.e., respondent No.2.

9. Family Court basing on the material produced by both parties held that respondent No.1 is entitled to Rs.10,000/- per month towards interim maintenance and respondent No.2 to Rs.15,000/- per month towards interim maintenance. However, though there is a mention that petitioner herein was ordered to pay Rs.20,000/-per month towards interim maintenance in a petition filed by respondents under Section 12 of the Protection of Women from Domestic Violence Act, said fact was not considered



while quantifying the amount. When the fact that the respondents are already receiving Rs.20,000/- per month towards interim maintenance granted in domestic violence case is taken into consideration, the amount granted towards interim maintenance through the impugned order requires modification. Hence this Court is of the view that the petitioner can be ordered to pay respondent No.1 a sum of Rs.7,000/- per month towards interim maintenance and respondent No.2 a sum of Rs.10,000/- per month towards interim maintenance.

10. Therefore writ petition is disposed of with the following:

ORDER

- I. The order that is rendered by the Court of V Additional Principal Judge, Family Court, Bengaluru on I.A.No.2 in Crl.Misc.No.562/2022 dated 09.10.2024 is modified.
- II. Petitioner herein is directed to pay respondent No.1 a sum of Rs.7,000/- per month and



respondent No.2 a sum of Rs.10,000/- per month towards interim maintenance from 11.08.2024 till disposal of main case.

III. All arrears shall be cleared within three months.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

SRT
List No.: 19 SI No.: 3
CT:SI